

From: [USDAFOIA - OCIO](#)
To: [Oyegunle, Aja - OCIO-CIO, WASHINGTON, DC](#)
Subject: FW: Freedom of Information Act Request: Clovis-Whitaker emails
Date: Tuesday, November 13, 2018 4:21:42 PM

New incoming for processing.

From: 63620-83111138@requests.muckrock.com [mailto:63620-83111138@requests.muckrock.com]
Sent: Friday, November 09, 2018 8:37 PM
To: USDAFOIA - OCIO <USDAFOIA@ocio.usda.gov>
Subject: Freedom of Information Act Request: Clovis-Whitaker emails

Department of Agriculture
FOIA Office
Room 408-W, Whitten Building
1400 Independence Avenue, SW,
Washington, DC 20250-0706

November 9, 2018

To Whom It May Concern:

This is a request under the Freedom of Information Act.

I. Description of Records Sought

I hereby request the following records under the Freedom of Information Act:

1. Emails between Sam Clovis and Matthew Whitaker from September 22, 2017 to May 4, 2018. During that period, Mr. Clovis served as a White House advisor at USDA and Mr. Whitaker served as chief of staff to Attorney General Jeff Sessions. You can exclude emails that were sent to a listserv where neither Mr. Clovis nor Mr. Whitaker were mentioned specifically as recipients. Please include any email sent between the two where other individuals were also included on the email chain.
2. Emails to or from Sam Clovis from January 20, 2017 to May 4, 2018 with "Whitaker" in the email body.

Please include any files attached to said emails. I prefer my request be filled electronically, by e-mail attachment if available or CD-ROM if not.

Please produce the records on a rolling basis; at no point should the search for – or deliberation concerning – certain records delay the production of others that the agency has already retrieved and elected to produce.

If you determine that portions of the records requested are exempt from disclosure, I request that you segregate the exempt portions and deliver the non-exempt portions of such records. If the EPA denies all or part of this request, please cite the specific exemptions you believe justify your refusal to release the information.

II. Expedited Processing

Due to the questions involving Mr. Whitaker's ability to oversee the special counsel's investigation,

I am requesting expedited processing of this request. The USDA's FOIA regulations (https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=158c0aaf13f675cfd80cc507cb30b2bb&n=7y1.1.1.1.1&r=PART&ty=HTML#se7.1.1_19) allows this when there is an "urgency to inform the public about an actual or alleged federal government activity, if made by an individual primarily engaged in disseminating information."

The regulations provide an example for how to define urgency: "Ordinarily this means a breaking news story of general public interest." Mr. Whitaker was named acting attorney general for the country on November 7, 2018 and placed in charge of the special counsel's federal investigation into foreign interference in American elections. It has been revealed that Mr. Whitaker has expressed skepticism of the investigation itself, and the president has criticized it as well, leading many to question if Mr. Whitaker will try to undermine or end the investigation. Mr. Whitaker maintains a close relationship with Mr. Clovis, who was a witness in the investigation due to his time as a Trump 2016 campaign aide. These items have received heavy media attention:

<https://www.bostonglobe.com/news/nation/2018/11/08/acting-attorney-general-said-have-plans-recuse-himself-from-russia-probe/BGgZO2LG13E84cEzPe3HSO/amp.html>
<https://www.theatlantic.com/politics/archive/2018/11/bob-mueller-jeff-sessions-firing-matthew-whitaker/575248/>
https://www.huffingtonpost.com/entry/matt-whitaker-donald-trump-friendship-recusal-debate_us_5be59875e4b0dbe871aa2c8d
<https://thehill.com/homenews/administration/415637-5-things-to-know-about-new-acting-attorney-general-matthew-whitaker>

In addition to the breaking news aspect, the fact that a federal investigation's integrity is involved should require an expedited processing status.

As described below in the Media Requester Status section, I am primarily engaged in disseminated information to the public. I certify this to be true and correct to the best of my knowledge and belief.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 calendar days, as the USDA's FOIA regulations require for expedited requests.

III. Request for a Fee Waiver

I respectfully request that you waive all fees in connection with this request as provided by 5 U.S.C. § 552(a)(4)(A)(iii). The Sierra Club is a national environmental nonprofit with no commercial interest in obtaining the requested information. Instead, our organization intends to analyze and disseminate the requested information free of charge so that the public can meaningfully participate in the debate over the integrity of the special counsel's investigation.

The subject matter of the requested records is likely to contribute significantly to public understanding of the operations and activities of the government by disclosing details of the relationship between Mr. Whitaker, who as acting attorney general now oversees the special counsel's investigation, and Mr. Clovis, who as campaign supervisor of George Papadopoulos is a witness in the investigation. Mr. Whitaker is friends with Mr. Clovis from their history in Iowa politics. Some have claimed that this close relationship requires that Mr. Whitaker recuse himself from overseeing the special counsel's investigation.

The Sierra Club and its supporters have demonstrated interest and expertise in the subject area, as the organization is committed to maintaining the integrity of our democracy, our electoral process, and the rule of law. We have active campaigns on each of these issues, and our supporters have

written tens of thousands of letters to Congress regarding the special counsel's investigation.

IV. Media Requester Status

In addition to the public interest fee waiver, I ask to be properly categorized as a representative of the news media. The bulk of my professional duties at the Sierra Club entails planning and writing content about public policy, including composing mass communications to our followers, analyzing FOIA responses, and preparing summaries for press outreach.

I have previously written about the federal hiring freeze's impact on agencies:

<https://sierraclub.org/planet/2017/05/trump-admin-policies-leave-700-cdc-jobs-vacant>
<https://sierraclub.org/planet/2017/04/hiring-freeze-prevented-epa-filling-hundreds-jobs>

This work, supplemented by Freedom of Information Act requests, was covered in major media outlets:

<https://www.washingtonpost.com/news/to-your-health/wp/2017/05/19/nearly-700-vacancies-at-cdc-because-of-trump-administration-hiring-freeze/>
<http://www.cnn.com/2017/04/13/politics/epa-hiring-freeze/index.html>

The Sierra Club has the ability and intention to disseminate the information it receives through this request. The information may be shared through emails to an audience reaching into the millions, Facebook and Twitter posts reaching tens of thousands of followers, articles on our often-visited website, and analysis provided to the media.

In the event that there are fees, please inform me of the total charges in advance of fulfilling my request.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Alexander Rony
Sierra Club

Filed via MuckRock.com

E-mail (Preferred): 63620-83111138@requests.muckrock.com

Upload documents directly: https://www.muckrock.com/accounts/agency_login/departments-of-agriculture-60/clovis-whitaker-emails-63620/?email=USDAFOIA%40ocio.usda.gov&uuid-login=6594321f-a7fa-47b7-b39c-41a583a5db42#agency-reply

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News
DEPT MR 63620
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and

the department number) requests might be returned as undeliverable.

